

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

THE CHIPPEWA CREE TRIBE OF
THE ROCKY BOY'S
RESERVATION OF MONTANA,
PLAIN GREEN, LLC, and FIRST
AMERICAN CAPITAL
RESOURCES, LLC,

Cause No. CV 14-63-BMM

AFFIDAVIT OF JAY A. DUBOW

Plaintiffs,

vs.

ZACHARY ROBERTS, RICHARD
LEE BROOME, GORDON JONES,
and MARTIN MAZZARA, in their
individual capacities, and DESTEL
LLC, FRESH START
MARKETING, LLC, AND
ENCORE SERVICES, LLC,

Defendants.

AFFIDAVIT OF JAY A. DUBOW

I, Jay A. Dubow, being of lawful age and competency and upon my oath, do I declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

I am an attorney at law admitted *pro hac vice* to practice in this Court. I am a partner in the firm of Pepper Hamilton LLP, attorneys of record for Plaintiffs in the above-captioned litigation.

1. Attached hereto as Exhibit 1 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT012016.
2. Attached hereto as Exhibit 2 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT002615.
3. Attached hereto as Exhibit 3 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT011937.
4. Attached hereto as Exhibit 4 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT012002.
5. Attached hereto as Exhibit 5 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT012004.
6. Attached hereto as Exhibit 6 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT002682.
7. Attached hereto as Exhibit 7 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00044217.
8. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the sworn deposition testimony of Robin Kovash, offered on January 11, 2016.
9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the sworn arbitration testimony of LeeAnn Montes, offered on March 12, 2014.

10. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the sworn deposition testimony of Jake Parker, conducted on January 28, 2016.

11. Attached hereto as Exhibit 11 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT013781.

12. Attached hereto as Exhibit 12 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT003004.

13. Attached hereto as Exhibit 13 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number ZR-00074659.

14. Attached hereto as Exhibit 14 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number MM-00088752.

15. Attached hereto as Exhibit 15 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00077670.

16. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of the sworn arbitration testimony of Richard Lee Broome, offered on March 11, 2014.

17. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the sworn deposition testimony of Richard Lee Broome, conducted on January 5, 2016.

18. Attached hereto is Exhibit 18, which has been intentionally removed.

19. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of the sworn deposition testimony of Tylere Pascuale, offered on January 12, 2016.

20. Attached hereto as Exhibit 20 is a true and correct copy of the Nevada Dept. of State Business Entity Records for Encore Service Corporation, LLC.

21. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the sworn deposition testimony of Richard Lee Broome, offered on February 13, 2014.

22. Attached hereto as Exhibit 22 is a true and correct copy of the Nevada Dept. of State Business Entity Records for Encore Services, LLC.

23. Attached hereto as Exhibit 23 is a true and correct copy of the responses to Interrogatories #15 and #16, as submitted by Encore Services, LLC.
24. Attached hereto as Exhibit 24 is a true and correct copy of the responses to Interrogatories #15 and #16, as submitted by DesTel, LLC.
25. Attached hereto as Exhibit 25 is a true and correct copy of the responses to Interrogatories #15 and #16, as submitted by Fresh Start Marketing, LLC.
26. Attached hereto as Exhibit 26 is a true and correct copy of excerpts of the sworn deposition testimony of Gordon Jones, offered on January 4, 2016.
27. Attached hereto as Exhibit 27 is a true and correct copy of excerpts of the sworn deposition testimony of Anna Beltran, offered on January 12, 2016.
28. Attached hereto as Exhibit 28 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number MM-00088051.
29. Attached hereto as Exhibit 29 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00036426.
30. Attached hereto as Exhibit 30 is a true and correct copy of excerpts of the sworn deposition testimony of Zachary Roberts, offered on January 4, 2016.
31. Attached hereto as Exhibit 31 is a true and correct copy of excerpts of the sworn deposition testimony of Martin Mazzara, offered on January 5, 2016.
32. Attached hereto as Exhibit 32 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT003708.
33. Attached hereto is Exhibit 33, which has been intentionally removed.
34. Attached hereto as Exhibit 34 is a true and correct copy of excerpts of the sworn deposition testimony of Nicholas Sullo, offered on January 27, 2016.
35. Attached hereto as Exhibit 35 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number NW-00008686.

36. Attached hereto as Exhibit 36 is a true and correct copy of excerpts of the sworn arbitration testimony of Zachary Roberts, offered on March 10, 2014.

37. Attached hereto as Exhibit 37 is a true and correct copy of excerpts of the sworn arbitration testimony of Zachary Roberts, offered on March 10, 2014.

38. Attached hereto is Exhibit 38, which has been intentionally removed.

39. Attached hereto as Exhibit 39 is a true and correct copy of the affidavit of Neal Rosette, Sr., signed on June 25, 2015, and produced by Plaintiffs during this litigation at bates number CCT013794.

40. Attached hereto as Exhibit 40 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT005546.

41. Attached hereto as Exhibit 41 is a true and correct copy of excerpts of the sworn deposition testimony of Zachary Roberts, offered on February 12, 2014.

42. Attached hereto as Exhibit 42 is a true and correct copy of a document that was produced by the Plaintiffs during this litigation, bearing the bates number CCT005249.

43. Attached hereto as Exhibit 43 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00034061.

44. Attached hereto as Exhibit 44 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00064901.

45. Attached hereto as Exhibit 45 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00064837.

46. Attached hereto as Exhibit 46 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00067032.

47. Attached hereto as Exhibit 47 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00058395.

48. Attached hereto as Exhibit 48 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00086507.

49. Attached hereto as Exhibit 49 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00072779.

50. Attached hereto as Exhibit 50 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number MM-00087609.

51. Attached hereto as Exhibit 51 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00070486.

52. Attached hereto as Exhibit 52 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00062900.

53. Attached hereto as Exhibit 53 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00058027.

54. Attached hereto as Exhibit 54 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates numbers ZR-00086509-10.

55. Attached hereto as Exhibit 55 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00082826.

56. Attached hereto as Exhibit 56 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00085284.

57. Attached hereto as Exhibit 57 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00095616.

58. Attached hereto as Exhibit 58 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00095581.

59. Attached hereto as Exhibit 59 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00095604.

60. Attached hereto as Exhibit 60 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00050001.

61. Attached hereto as Exhibit 61 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00096453.

62. Attached hereto as Exhibit 62 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00096454.

63. Attached hereto as Exhibit 63 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number ZR-00096455.

64. Attached hereto as Exhibit 64 is a true and correct copy of the response to Request for Admission #21, as submitted by DesTel, LLC.

65. Attached hereto as Exhibit 65 is a true and correct copy of the response to Request for Admission #30, as submitted by Fresh Start Marketing, LLC.

66. Attached hereto is Exhibit 66, which has been intentionally removed.

67. Attached hereto is Exhibit 67, which has been intentionally removed.

68. Attached hereto as Exhibit 68 is a true and correct copy of excerpts of the sworn arbitration testimony of Gordon Jones, offered on March 10, 2014.

69. Attached hereto as Exhibit 69 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00056810.

70. Attached hereto as Exhibit 70 is a true and correct copy of the Statement of Stipulated Facts, as filed in this litigation on January 26, 2015 (ECF No. 33).

71. Attached hereto as Exhibit 71 is a true and correct copy of excerpts of the sworn deposition testimony of Neal Rosette, Sr., offered on January 27, 2014.

72. Attached hereto as Exhibit 72 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00041540.

73. Attached hereto as Exhibit 73 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number LB-00055163.

74. Attached hereto as Exhibit 74 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates number GJ-00012811.

75. Attached hereto as Exhibit 75 is a true and correct copy of a document that was produced by the Defendants during this litigation, bearing the bates numbers LB-00049833-34.

76. Attached hereto as Exhibit 76 is a true and correct copy of a document that was produced by Plaintiffs in this litigation, bearing the bates number CCT003084.

77. Attached hereto as Exhibit 77 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates numbers LB-00049583-85.

78. Attached hereto as Exhibit 78 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00051010.

79. Attached hereto as Exhibit 79 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00056214.

80. Attached hereto as Exhibit 80 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00049966.

81. Attached hereto as Exhibit 81 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00060799.

82. Attached hereto as Exhibit 82 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00049630.

83. Attached hereto as Exhibit 83 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number MM-00087928.

84. Attached hereto as Exhibit 84 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number MM-00087898.

85. Attached hereto as Exhibit 85 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00080090.

86. Attached hereto as Exhibit 86 is a true and correct copy of a document that was produced by Plaintiffs in this litigation, bearing the bates number CCT002525.

87. Attached hereto as Exhibit 87 is a true and correct copy of the Arbitrator's Final Award that was produced by Plaintiffs in this litigation, bearing the bates number CCT000001.

88. Attached hereto as Exhibit 88 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00072636.

89. Attached hereto as Exhibit 89 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00060979.

90. Attached hereto as Exhibit 90 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00074658.

91. Attached hereto as Exhibit 91 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00079841-42.

92. Attached hereto as Exhibit 92 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00083475.

93. Attached hereto as Exhibit 93 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00049548-49.

94. Attached hereto as Exhibit 94 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00083483.

95. Attached hereto as Exhibit 95 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00050194.

96. Attached hereto as Exhibit 96 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00069807.

97. Attached hereto as Exhibit 97 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number LB-00050070.

98. Attached hereto as Exhibit 98 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00074802.

99. Attached hereto as Exhibit 99 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00081906.

100. Attached hereto as Exhibit 100 is a true and correct copy of a document that was produced by Plaintiffs in this litigation, bearing the bates number CCT007594-CCT007658.

101. Attached hereto as Exhibit 101 is a true and correct copy of excerpts of the sworn arbitration testimony of Tim McInerney, conducted on March 10, 2014.

102. Attached hereto as Exhibit 102 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00072312.

103. Attached hereto as Exhibit 103 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00096777.

104. Attached hereto as Exhibit 104 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-0075324.

105. Attached hereto as Exhibit 105 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00096446.

106. Attached hereto as Exhibit 106 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00080070.

107. Attached hereto as Exhibit 107 is a true and correct copy of an affidavit signed by Richard J. Zack on February 2, 2016.

108. Attached hereto as Exhibit 108 is a true and correct copy of a document that was produced by Defendants in this litigation, bearing the bates number ZR-00081341.

109. Attached hereto as Exhibit 109 is a true and correct copy of a document that was produced by Plaintiffs in this litigation, bearing the bates number CCT004936.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

By:



Jay A. Dubow

Sworn to and subscribed before me
this 5th day of February, 2016, in the county of
Philadelphia. Notary Public

Sandra Hendrick

